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Open-ended Working Group on Ageing
Ninth working session
New York, 23–26 July 2018

Report of the Open-ended Working Group on Ageing on its ninth working session

Rapporteur: Lahya Itedhimbwa **Shikongo** (Namibia)

I. Organization of the session

A. Opening and duration of the session

1. The Open-ended Working Group on Ageing, established by the General Assembly in its resolution 65/182 for the purpose of strengthening the protection of the human rights of older persons, held its ninth working session at United Nations Headquarters from 23 to 26 July 2018. The Working Group held eight meetings.

2. The session was opened by the Chair of the Working Group, Martín García Moritán (Argentina), who also made a statement.

B. Attendance

3. The session was attended by representatives of States Members of the United Nations. Representatives of organizations of the United Nations system and observers for intergovernmental and non-governmental organizations (NGOs) also attended. A list of participants is available at http://social.un.org/ageing-working-group/ninthsession.shtml.

C. Election of officers

4. At its 1st meeting, on 23 July, the Working Group elected, by acclamation, Martín García Moritán (Argentina) as Chair, Alanoud Qassim M. A. al-Temimi (Qatar), Lidija Dravec (Slovenia), Katharina Konzett-Stoffl (Austria) as Vice-Chairs and Lahya Itedhimbwa Shikongo (Namibia) as Rapporteur.

5. The composition of the Bureau of the ninth session of the Working Group was as follows:

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Chair:
Martín García Moritán (Argentina)

Vice-Chairs:
Alanoud Qassim M. A. Al-Temimi (Qatar)
Lidija Dravec (Slovenia)
Katharina Konzett-Stoffl (Austria)

Rapporteur:
Lahya Itedhimbwa Shikongo (Namibia)

D. Agenda and organization of work

6. At its 1st meeting, on 23 July, the Working Group adopted the provisional agenda, as contained in document A/AC.278/2018/1. The agenda read as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Participation of national human rights institutions in the work of the Open-ended Working Group on Ageing.
4. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing.
5. Measures to enhance the promotion and protection of the human rights of older persons.
6. Follow-up to resolution 72/144: measures to enhance the promotion and protection of the human rights and dignity of older persons: best practices, lessons learned, possible content for a multilateral legal instrument and identification of areas and issues where further protection and action are needed.
7. Other matters.
8. Provisional agenda for the tenth working session of the Open-ended Working Group on Ageing.
9. Adoption of the report.

7. At the same meeting, the Working Group approved the proposed organization of work for its ninth working session, as set out in an informal paper, issued in English only.

E. Participation of national human rights institutions in the work of the Open-ended Working Group on Ageing

8. At its 1st meeting, on 23 July, the Working Group was informed of the participation of 18 national human rights institutions in the ninth session, in accordance with decision 7/1 on the modalities of participation of national human rights institutions in its work (see A/AC.278/2016/2, para. 10).

F. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing

9. At its 1st meeting, the Working Group approved the participation of the following NGOs in its work:

2Young2Retire — Europe/Cercle des Seniors Actifs
50+ Hellas
Alzheimer's Association Lebanon
APRe! Associação de Aposentados, Pensionistas e Reformados
Asociación Red Colombiana de Envejecimiento Activo y Digno
Asociación Costarricense de Alzheimer y otras Demencias Asociadas
Association Nos Années de Vie
Caxton Legal Centre Inc.
Elders Clubs International Foundation
Empower and Care Organization
Fundació Aroa
Globale Seniorer
HelpAge Cambodia
HelpAge Deutschland
HelpAge Democratic Republic of the Congo
HelpAge International España
Humane Prison Hospice Project
Institute for Development, Research, Advocacy and Applied Care
Kenya Hospices and Palliative Care Association
Les petits frères des Pauvres
Living Well Heritage Foundation
Long Term Care Community Coalition
Mauritius Family Planning and Welfare Association
Mission Armenia
National Association of Pensioners
National Nursing Home Social Work Network
Nobo Jatra Foundation
Nsindagiza Organization
Old'Up
Older Women's Network, Europe
Organization for the Promotion of Elderly Support in Nigeria
Palliative Care Australia
Pallium India Trust
Resource Center for the Elderly
Regional Public Organization of the Assistance of the Defence of the Rights of the Suffered from the Terror Act "Volga-Don"
Royal Society for Senior Citizens
SAWAKA
SOLIMAI
Confederación Española de Organizaciones de Mayores
Universal Peace and Violence Amelioration Centre

10. At the same meeting, the Working Group proceeded to consider, in accordance with the decision on modalities of participation of NGOs in its work (see A/AC.278/2011/2, para. 8 (c) (ii)), the applications of the International Renaissance Foundation and the National LGBTI Health Alliance, for both of which an objection letter from a Member State was received.

11. Statements were made by the representatives of the European Union, Canada, Ukraine and the Russian Federation.

12. The Working Group then approved the participation of the International Renaissance Foundation in its work, by a recorded vote of 53 to 14, with 30 abstentions. The voting was as follows:

In favour:

Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay

Against:

Angola, Belarus, Burundi, China, Democratic People's Republic of Korea, India, Iran (Islamic Republic of), Nicaragua, Qatar, Russian Federation, Sudan, United Arab Emirates, Venezuela (Bolivarian Republic of), Zimbabwe

Abstain:

Algeria, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Dominican Republic, Ecuador, Ghana, Guatemala, Honduras, Indonesia, Jordan, Kuwait, Libya, Malaysia, Mauritius, Morocco, Namibia, Nepal, Pakistan, Peru, Philippines, Saudi Arabia, Sierra Leone, Singapore, South Africa, Thailand, Uganda, Viet Nam, Yemen

13. Before the vote, a statement in explanation of vote was made by the representative of the United States.

14. The Working Group then approved the participation of the National LGBTI Health Alliance in its work, by a recorded vote of 56 to 24, with 20 abstentions. The voting was as follows:

In favour:

Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of)

Against:

Algeria, Angola, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Burundi, Democratic People's Republic of Korea, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, Libya, Malaysia, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, United Arab Emirates, Yemen, Zimbabwe

Abstain:

Bhutan, China, Dominican Republic, Ecuador, Ghana, Guatemala, Honduras, India, Jordan, Mauritius, Morocco, Namibia, Nepal, Peru, Philippines, Sierra Leone, Singapore, Thailand, Uganda, Viet Nam

15. Before the vote, a statement in explanation of vote was made by the representatives of Canada and Australia.

16. The Working Group also invited Gray Panthers to make a statement, time permitting, in accordance with paragraph 38 (b) of resolution 1996/31 of the Economic and Social Council.

G. Documentation

17. The list of documents before the Working Group at its ninth working session is available at http://social.un.org/ageing-working-group/ninthsession.shtml.

II. Measures to enhance the promotion and protection of the human rights of older persons

18. The Working Group considered item 5 of the agenda at its 1st and 2nd meetings, on 23 July 2018, and held a general discussion of the item.

19. At its 1st meeting, the Working Group began its general discussion of the agenda item and heard statements by the representatives of El Salvador (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Indonesia, Kenya, Malaysia, Mexico, Panama, Paraguay, Peru, Qatar, Slovenia, South Africa, Trinidad and Tobago and Uruguay — members of the Group of Friends of Older Persons), Uruguay (also on behalf of Albania, Argentina, Australia, Brazil, Chile, Colombia, Costa Rica, Croatia, El Salvador, France, Germany, Israel, Italy, Japan, Montenegro, Mexico, the Netherlands, New Zealand, Norway, Spain, the United Kingdom, the United States, Uruguay, the European Union, the Office of the United Nations High Commissioner for Human Rights, and the NGOs Human Rights Watch and Outright Action International — members of the United Nations LGBTI Core Group), Egypt (also on behalf of the Group of 77 and China), the European Union, the Philippines, Argentina, Peru, Turkey, Uruguay, Japan, Hungary, Israel, Costa Rica, Slovenia, Canada, Czechia, the Russian Federation, Germany, Paraguay, Viet Nam, Ecuador and Bangladesh.

20. At its 2nd meeting, the Working Group heard statements by the representatives of the Dominican Republic, Chile, Viet Nam, Sudan, the United Kingdom, Brazil, Mexico, Iraq, Azerbaijan, Qatar, China, El Salvador, Indonesia, Nigeria, Kenya, Malaysia, Guatemala, France, India and Colombia.

21. At the same meeting, a statement was also made by the representative of the National Human Rights Commission of the Republic of Korea.

22. Also at the same meeting, a statement was made by the representative of the World Health Organization (WHO).

23. Also at the 2nd meeting, statements were made by representatives of the following NGOs: Age International; International Longevity Center Canada; Royal Society for Senior Citizens (Bhutan); National Association of Community Legal Centres; HelpAge International; Caxton Legal Center Inc.; Fondation pour un centre pour le développement socio-économique; Care Rights; Centre for Gerontological Studies; Japan Center for Activity and Research for Older People; International Network for the Prevention of Elder Abuse; AGE Platform Europe; and Center for the Human Rights of Users and Survivors of Psychiatry.

III. Follow-up to resolution 72/144: measures to enhance the promotion and protection of the human rights and dignity of older persons: best practices, lessons learned, possible content for a multilateral legal instrument and identification of areas and issues where further protection and action are needed

24. The Working Group considered item 6 of the agenda at its 3rd to 6th meetings on 24 and 25 July.

Panel discussion on autonomy and independence

25. At its 3rd meeting, on 24 July, the Working Group held a panel discussion on autonomy and independence. Presentations were made by the following panellists: Matthias von Schwanenflügel, Head of the Directorate General for Demographic Change, Senior Citizens and Social Welfare, Federal Ministry of Family Affairs, Senior Citizens, Women and Youth of Germany; Florence Simbiri-Jaoko, Special Envoy of the Global Alliance for National Human Rights Institutions; and Rosita Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons.

26. The Working Group then held an interactive discussion, during which the panellists responded to the comments and questions posed by the representatives of the European Union, the Netherlands, the United Kingdom, Canada, the United States, Slovenia, the Dominican Republic and Costa Rica. Statements were also made by the representatives of the United Nations Development Programme and the Economic Commission for Latin America and the Caribbean. Statements were also made by the representatives of the following national human rights institutions: Office of the Ombudsman of Croatia and German Human Rights Association. Statements were also made by the representatives of the following NGOs: American Bar Association; National Old Folks of Liberia; International Network for the Prevention of Elder Abuse; Janaseva Foundation; and Older Women's Network Europe.

27. At its 4th meeting, on 24 July, the Working Group held a panel discussion on autonomy and independence. Presentations were made by the following panellists: Craig Mokhiber, Director of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in New York and Deputy to the Assistant Secretary-General for Human Rights; Güher Can Vural, Assistant Expert at the General Directorate of Services for Persons with Disabilities and Elderly People, Ministry of Family and Social Affairs of Turkey; and Urantsooj Gombosuren, Chair of the Centre for Human Rights and Development of Mongolia.

28. The Working Group then held an interactive discussion, during which the panellists responded to the comments and questions posed by the representatives of Argentina, Uruguay, El Salvador, Malaysia and Costa Rica. Statements were also made by the representative of the Office of the Ombudsman of the National Human Rights Institute of Portugal and by representatives of the following NGOs: Nsindagiza Organization; Centre for Gerontological Studies; International Association of Homes and Services for the Ageing; American Association of Retired Persons; HelpAge Cambodia; HelpAge International; National Association of Community Legal Centres; AGE Platform Europe; Human Rights Watch; Center for the Human Rights of Users and Survivors of Psychiatry; International Longevity Center; German National Association of Senior Citizens Organizations; Gray Panthers; International Federation of Associations of the Elderly; Inclusion

International; Women Enabled; Seniors Rights Service; and International Network for the Prevention of Elder Abuse.

Panel discussion on long-term and palliative care

29. At its 5th meeting, on 25 July, the Working Group held a panel discussion on long-term and palliative care. Presentations were made by the following panellists: Rosa Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons; Fred Lafeber, Project Leader of the Department of Long-Term Care in the Ministry of Health, Welfare and Sport of the Netherlands; and Karen Gomez-Dumpit, Commissioner of the Commission on Human Rights of the Philippines.

30. The Working Group then held an interactive discussion, during which the panellists responded to the comments and questions posed by the representatives of South Africa, the United Kingdom, Slovenia, Germany, the United States, Costa Rica, and Argentina, as well as by the observer for the European Union. Statements were also made by the representatives of the World Health Organization and Economic Commission of Latin America and the Caribbean. Statements were also made by the representatives of the following national human rights institutions: Office of the Commissioner for Human Rights of Poland; Office of the Public Defender of Ecuador; Office of the Public Defender of Georgia; and Office of the Ombudsman of Croatia. A statement was also made by the representative of Human Rights Watch, an NGO.

31. At its 6th meeting, on 25 July, the Working Group held a panel discussion on autonomy and independence. Presentations were made by the following panellists: Rio Hada, Team Leader (Economic, Social and Cultural Rights), Human Rights and Economic and Social Issues Section, Development and Economic and Social Issues Branch (OHCHR); María Soledad Cisternas Reyes, Special Envoy of the Secretary-General on Disability and Accessibility; and Israel Doron, Israel Institute Visiting Professor at the School of Social Service Administration, University of Chicago.

32. The Working Group then held an interactive discussion, during which the panellists responded to the comments and questions posed by the representatives of Czechia, El Salvador, Canada and the Dominican Republic. Statements were also made by representatives of the following NGOs: International Network for the Prevention of Elder Abuse; International Federation on Ageing; American Bar Association; Center for the Human Rights of Users and Survivors of Psychiatry; Associação Nacional dos Membros do Ministério Público de Defesa dos Direitos dos Idosos e Pessoas com Deficiência; International Association for Hospice and Palliative Care; Janaseva Foundation; Inclusion International; International Longevity Center; American Association of Retired Persons; HelpAge Cambodia; Nsindagiza Organization; HelpAge International.

Conclusion on the focus areas

33. At its 7th meeting on 26 July, following a statement by the Chair, statements were made by the representatives of the United Kingdom, Germany, Slovenia, Canada, Argentina, the United States, Norway, Costa Rica, El Salvador and Uruguay.

34. At the same meeting, statements were made by the representatives of the following national human rights institutions: National Human Rights Commission of Nigeria; Office of the Commissioner for Human Rights of Poland; and German Institute for Human Rights. Statements were also made by the representatives of the following NGOs: Caxton Legal Center Inc. (also on behalf of National Association of Community Legal Centres and Senior Rights Service); Center for the Human Rights of Users and Survivors of Psychiatry; Human Rights Watch; AGE Platform Europe; International Association of Gerontology and Geriatrics (also on behalf of

International Network for the Prevention of Elder Abuse); HelpAge International; American Bar Association; National Women's Council of Catalonia; and Federación Iberoamericana de Asociaciones de Personas Adultas Mayores.

IV. Other matters

Discussion on the way forward

35. The Working Group considered item 7 at its 8th meeting, on 26 July, and held a discussion on the way forward. Following a statement by the Chair, statements were made by the representatives of Mauritius, the European Union, Austria, Mexico, Argentina, Slovenia, Germany, Canada, El Salvador and Uruguay. Statements were also made by the representative of the Office of the Ombudsman of the National Human Rights Institute of Portugal and by the representatives of the following NGOs: Federación Iberoamericana de Asociaciones de Personas Adultas Mayores; International Longevity Center Global Alliance, International Network for the Prevention of Elder Abuse; Japan Support Center for Activity and Research for Older People.

36. At the same meeting, a statement was made by the Independent Expert on the enjoyment of all human rights by older persons.

37. At the same meeting, on the proposal of the Chair, the Working Group agreed on the two focus areas for the next session as follows: "Education, training, life-long learning and capacity-building" and "Social protection and social security (including social protection floors)".

V. Chair's summary of the key points of the discussions

38. At its 1st meeting, on 23 July, the Working Group agreed to include the Chair's summary of the key points of the discussions in the report of the session. The Chair's summary reads as follows:

Chair's summary of the key points of the discussions at the ninth session of the Open-ended Working Group on Ageing

The ninth session of the Open-ended Working Group on Ageing began with the election of officers. The Working Group elected by acclamation Martín García Moritán as Chair; Alanoud Qassim M. A. Al-Temimi (Qatar), Lidija Dravec (Slovenia) and Katharina Konzett-Stoffl (Austria) as Vice-Chairs; and Lahya Itedhimbwa Shikongo (Namibia) as Rapporteur.

Regarding the composition of the Bureau, allow me to express once again my great satisfaction that 80 per cent of its members are women representatives, which represents a significant and positive sign in the context of the efforts by Member States and regional groups to achieve gender parity at the United Nations.

The Working Group then adopted the agenda and programme of work for the session. It should be emphasized that the Working Group organized its work according to the oral decision taken during the discussion on the way forward held during the eighth session in July 2017. During the intersessional period, the Bureau proposed an organization of work based on: a general debate on the topic "Measures to enhance the promotion and protection of the human rights and dignity of older persons"; two interactive discussions on "Autonomy and independence" and "Long-term and palliative care"; an interactive discussion on normative elements to follow up on the examination of the focus areas of the eighth session ("Equality and

non-discrimination" and "Violence neglect and abuse");[1] and a discussion on the way forward.

During the intersessional period, the Chair requested members of the Working Group (Member States and observer States) and other relevant stakeholders (national human rights institutions, intergovernmental organizations, entities of the United Nations system and NGOs) to submit substantive input on the two focus areas selected for the ninth session, based on two questionnaires prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Department of Economic and Social Affairs. The Working Group received input from 27 Member States and observer States, 26 national human rights institutions, 6 United Nations entities and 25 accredited NGOs.

On the basis of the many contributions received, the Bureau, through OHCHR and the Department of Economic and Social Affairs, prepared an analytical discussion paper for each interactive discussion on the focus areas, making a summary of the contributions and highlighting areas of common ground and trends identified in the responses to the questionnaires. I wish to thank, in particular, OHCHR and the Department for preparing those papers, which helped to guide the interactive discussions. The documents enclosing the substantive input received and the discussion papers are available at the website of the Working Group.

Furthermore, as agreed by the Bureau during the intersessional period, the Working Group proceeded during its ninth session to hold an interactive discussion on normative elements to address the issues relating to the two focus areas of the eighth session, "Equality and non-discrimination" and "Violence, neglect and abuse".

In that regard, during the intersessional period, the Chair requested members of the Working Group and other relevant stakeholders to submit normative input based on two questionnaires prepared by OHCHR and the Department of Economic and Social Affairs. The Working Group received input from 11 Member States and observer States, 2 national human rights institutions and 9 accredited NGOs.

On the basis of those contributions, the Bureau, through OHCHR and the Department, prepared two compilation papers to guide the interactive discussion on normative elements.

Having adopted the agenda and programme of work, the Working Group considered the participation of A status national human rights institutions.[2] In accordance with decision 7/1 of the Working Group on the modalities of participation of national human rights institutions in its work (see A/AC.278/2016/2, para. 10), requests from 18 such institutions with A status were circulated to all Member States by the Secretariat four weeks prior to the ninth session.

The Working Group decided to apply the arrangement outlined by its former Chair (see A/AC.278/2016/2, para. 29), whereby accredited national human rights institutions are able to take separate seating after Member States and observer States, to take the floor, without the right to vote, under any agenda item and to submit written contributions to the Working Group under any agenda item.

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[1] During the discussion on the way forward held at the seventh session, the Working Group decided to focus its future sessions on concrete issues that affect the enjoyment by older persons of their human rights. A list of the focus issues proposed by the members of the Working Group was included in the report on the seventh session (A/AC.278/2016/2, para. 29).

[2] National human rights institutions accorded A status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions are considered to be in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), as endorsed by the General Assembly in its resolution 48/134.

I would like to highlight the fact that the number of institutions with A status accredited to the ninth session of the Working Group (18, from all five regional groups) doubled that of the eighth session, which was the first in which such institutions had been permitted to participate in their own capacity. I welcome their active participation and the meaningful contributions that they made to the discussions and work of the Working Group. Indeed, the Working Group continued to enhance their participation in its work, pursuant to the mandate provided by the General Assembly in its resolution 72/181.

The Working Group then proceeded to approve the participation of NGOs without consultative status with the Economic and Social Commission that had requested accreditation. It received a record 42 such requests, of which 40 were approved without a vote and 2 by registered votes, in accordance with the modalities of participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing (see A/AC.278/2011/2, para. 8).

In total, 321 representatives from 166 NGOs were accredited to participate in the session, of which 112 representatives from 53 NGOs attended.

Subsequently, the Working Group held its general debate on the topic "Measures to enhance the promotion and protection of the human rights of older persons". I appreciate and wish to acknowledge the active participation by the representatives of many Member States and observer States in the debate, and by those of groups of States, national human rights institutions, intergovernmental organizations and NGOs.

During the general debate, delegations referred to the major demographic changes that our societies are experiencing and, in particular, to the fact that the portion of the population aged 60 years and older is growing faster. The need to address those changes and prepare for their impact on the full and effective enjoyment by older persons of their human rights was underlined.

Many delegations stressed the commitment of their countries to implement the 2030 Agenda for Sustainable Development and the cross-cutting principle of leaving no one behind in their national policies and to guarantee the full inclusion of older persons, who were identified as a vulnerable population. They referred, in particular, to the imperative need to provide them with health care, access to employment, housing and access to justice, among other essential human rights, in order to protect their dignity.

Furthermore, delegations highlighted the importance of changing perceptions of ageing and older persons and striving to encourage their participation as active agents in society. They stressed the need to provide them with an enabling environment, without discrimination, in order to achieve their social integration.

Moreover, delegations referred to regional instruments such as the Inter-American Convention on Protecting the Human Rights of Older Persons and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa as important tools for effectively protecting the rights of older persons and improving national policies. Some stated that the protection of older persons could best be strengthened by improving the implementation of existing international human rights instruments, while others stressed the importance of developing a legally binding multilateral instrument to set universal standards and obligations.

Lastly, many delegations stated that the Working Group should remain inclusive and open, recognizing the valuable contribution of national human rights institutions and civil society.

Following the general debate, the Working Group held two interactive discussions on the focus areas of the ninth session, "Autonomy and independence" and "Long-term and palliative care". I would like to express my appreciation to the panellists for their excellent and substantive interventions, which provoked a deep and fruitful debate among the members, thereby contributing to the fulfilment of the Working Group's mandate to strengthen the protection of the human rights of older persons. The panellists included the Independent Expert on the enjoyment of all human rights by older persons and the Special Envoy of the Secretary-General on Disability and Accessibility, and representatives from OHCHR, national human rights institutions and national governments.

Each debate was preceded by a panel discussion featuring presentations by a variety of stakeholders providing insights from different perspectives, such as the human rights treaty body system, current international human rights law, national and regional experiences, the specific human rights mandates and the national human rights institutions.

Each panel was followed by an interactive discussion involving all stakeholders, guided by the discussion papers prepared by OHCHR and the Department of Economic and Social Affairs, which summarized the main trends and areas of common ground to emerge from the input received prior to the session.

Autonomy and independence

Panellists, delegations and participants welcomed the substantive discussion on the concepts of autonomy and independence, which are inextricably related to the dignity of older persons. Participants noted the lack of an accurate definition of either concept in domestic law and inconsistent references to them in the international human rights framework. It emerged from the discussion that they are mainly intertwined with the rights of older persons in terms of everyday decision-making and full participation in the community.

The right of older persons to autonomy was identified as their having, on an equal basis with others, the possibility of choosing between different options. In that regard, it was stressed that older persons tend to be more exposed to abuse by family members. The problem lay with relatives, who were likely to make decisions convenient for them and not based on the wishes of the older persons concerned, who were thus deprived of the capacity to decide on their financial, health and housing issues.

Participants mentioned measures that had been implemented at the national level to improve the quality of life of older persons in terms of autonomy and independence, such as the monitoring of social and long-term care facilities, the creation of national registers of caregivers and reforms to prevent abuse in the exercise of legal capacity.

The work of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights on organizing hearings and setting standards relating to the right to autonomy and independence was cited. Provisions of the Convention on the Rights of Persons with Disabilities also shed light that right, which rested on the premise that social barriers must be overcome to guarantee autonomy. The State, it was concluded, played a key role in promoting and protecting that right.

Participants referred to the situation of certain groups of older persons, such as older women and older persons with disabilities, who faced greater challenges in achieving autonomy and independence.

Many participants also raised the subject of the lack of useful disaggregated data available for analysis of the situation of older persons. Statistical data were crucial for taking steps to protect their rights more effectively.

Long-term and palliative care

Panellists, delegations and participants welcomed the substantive discussion long-term and palliative care, issues that relate mainly to the quality of life of older persons.

Observing that there was no accepted universal definition of the concept of "care" for ageing societies, participants identified it as ensuring an optimal level of health and physical and emotional well-being and preventing illnesses or delaying their appearance.

Participants noted a prevailing tendency to make a distinction between social and health care in terms of service-users. That was mistaken, because "care" should be viewed as the entire set of complementary measures for the benefit of older persons.

The importance of respecting the will of older persons was underlined with regard to long-term care and whether they wished to remain at home or live in a community residence. Forced institutionalization was a violation of their human rights. In that context, most delegations highlighted the importance of adapting legislation and setting clear rules for obtaining the informed consent of older persons.

Long-term and palliative care were clearly referred to in the Inter-American Convention on Protecting the Human Rights of Older Persons, making it an obligation of States to uphold the right to such care through strengthened policies to, for instance, improve professional training given to caregivers. References to palliative care were contained in several general comments of the human rights treaty bodies and in WHO documents. Participants observed that the right to such care was also covered by the concept of social protection in the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goals 1 and 10.

It was stressed that there was a great need to include the right to long-term and palliative care in a legally binding universal instrument, setting forth clearly the obligation of States to respect and protect that right in their policies and to guarantee the justiciability of the human rights of older persons.

Participants identified as challenges the affordability of care, the availability of services and the need to take a more human rights-based approach to long-term and palliative care. The importance of facilitating access to assistive technologies and robotics to improve the life of older persons in everyday tasks was also mentioned.

Furthermore, participants made reference to national policies, legislation and good practices to guarantee long-term and palliative care for older persons. They referred, in particular, to home nursing services, the training of paramedics to support patients at home, financial assessment and an individual case-management approach in palliative care.

Normative input on the focus areas of the eighth session

For the first time since the Working Group began to focus its discussions on specific areas in which the enjoyment of human rights by older persons might be affected and require further protection, the Working Group held an interactive discussion in order to follow up on the substantive debates it held at its eighth session on "Equality and non-discrimination" and "Violence, neglect and abuse". The goal of the interactive segment was to provide follow-up on the fruitful and substantive

discussions held during the eighth session on those areas and to continue building on them from a normative point of view, in order to exchange views, best practices and concrete elements, from through a strictly normative and action oriented approach, in order to enhance the promotion and protection of the human rights of older persons to equality and non-discrimination and to live free from violence, neglect and abuse.

The representatives of Member States, NGOs and national human rights institutions actively discussed the normative input. Participants referred to the need to define concepts that might be included in the preambular part of a legally binding international instrument, such as the principles of equality and non-discrimination. It was mentioned that States should ensure equality under the law without any discrimination based on age and other intersecting grounds (such as sex, race, ethnic origin, sexual orientation, gender identity or disabilities). In any reference to the prohibition of discrimination on the basis of age, careful attention had to be paid to employment, social protection, health and social care and housing, among other issues.

With regard to the right to a life without violence, some delegations referred to the existing international human rights instruments that included such a provision. Several participants stressed the utmost importance of reaching consensus on the definition of the right of older persons to a life without violence; all forms of violence and abuse must be included. Violence in all settings, from care institutions to the family context, must be taken into account.

Participants also set clear rules on access to justice for older persons and remedies for victims. It was mentioned that States should take appropriate measures to strengthen mechanisms to prevent any form of violence, neglect and abuse. Participants identified as a normative input criminal justice responses and sentencing practices, which should reflect the aggravated nature of offences committed against older persons, who were vulnerable.

Participants noted that the Inter-American Convention on Protecting the Human Rights of Older Persons contained specific provisions regarding equality and non-discrimination based on age, as well as the right to a life free of violence of any kind. The Convention also contained useful definitions for such terms as "older person" and "age discrimination".

Participants stressed that the normative approach to violence against older persons must take into account the special situation of older women and older persons with disabilities.

The way forward

During the discussion on the way forward, delegations expressed satisfaction with the development of the previous two sessions and their format of substantive discussions on two focus areas that directly affect the enjoyment of human rights by older persons. In my capacity as Chair, I proposed to the members of the Working Group that it continue to work under that format, fostering substantive discussions on issues affecting the human rights of older persons.

Regarding the selection of focus areas for the tenth session, to be held in 2019, I reminded members of the Working Group that we had identified a series of issues or areas that deserve its attention at the seventh session (see A/AC.278/2016/2, para. 29) and I invited delegations to add more issues to that list.

In that regard, and following informal consultations with Member States and observer States conducted at the Bureau level during the intersessional period, the Working Group made an oral decision to select "Education, training, life-long

learning and capacity-building" and "Social protection and social security (including social protection floors)" as the two focus areas for the tenth session.

As was done in preparation for the ninth session, during the intersessional period the Bureau will call for the contribution of input on the two focus areas, which will then be summarized by the Secretariat in order to guide our discussions on the selected areas.

Delegations also expressed support for continuing the practice of holding an interactive discussion on normative elements to address the focus areas of the previous session. They highlighted the need to continue following up on the focus areas of the eighth session as well.

In that context, I proposed that the Working Group replicate the practice of the previous intersessional period and have the Bureau call for normative input to follow up on the issues examined at the ninth session, "autonomy and independence" and "long-term and palliative care", based also on the contributions made during the session, given that that method of work had proved to be an effective means of fulfilling the mandate of the Working Group.

I proposed also that the Working Group continue with the methodology of holding substantive discussions on two new focus areas per session, based on contributions received prior to the session. Substantive input on those areas will be requested in the intersessional period and the Bureau will then circulate discussion papers to guide the discussions during the session. The Working Group will also continue to follow up on the focus areas of the previous session from a normative point of view, requesting input on those areas in the intersessional period prior to the session and circulating discussion papers thereafter.

In addition, in my capacity as Chair, I suggested to the members of the Working Group that they consider the possibility of concluding each session with concrete outcomes in order to capitalize on our deliberations and reflect our agreements with regard to each area affecting the enjoyment of human rights by older persons. Such outcomes could take many forms, such as agreed conclusions or decisions of the Working Group, which should be negotiated between governments and reflect any common points identified in the focus areas examined from a normative perspective.

Such outcomes would not only allow us to present a conclusion in our discussions but could also contribute to other processes relating to ageing and the rights of older persons, such as those in the framework of the deliberations of the Third Committee of the General Assembly or the Human Rights Council. Some delegations welcomed and expressed their support for the proposal by the Chair, emphasizing that it would be a constructive way to move forward, rather than perpetually discussing each focus area.

The proposal will be considered further by the Bureau during the intersessional period.

Delegations stressed in their interventions the importance of obtaining more guidance on which are the priority issues of each focus area in order to improve the discussion papers prepared for the session. Those papers could be enhanced with further analysis on the priority issues and suggestions on how to address them. Participants underlined the importance of continuing the analytical work on the focus areas of the eighth and ninth sessions.

Delegations recalled that the mandate of the Working Group was related to human rights, as established by General Assembly resolution 65/182 (para. 28), and indicated that, although the mandate required a holistic approach to the issue of the human rights of older persons, including the social and developmental dimensions,

the analysis of the social dimensions of ageing as a phenomenon and of the situation of different social groups, including older persons, was part of the mandate of the Commission for Social Development. The scope and focus of the work of the Working Group should thus be human rights-based to enable it to fulfil its mandate.

The announcement by the delegation of Austria with regard to the organization of an international conference on human rights of older persons, to be held in November 2018 in Vienna, was welcomed.

Lastly, many delegations stressed the need to support the implementation of the mandate of the Working Group during negotiations on the drafting of a resolution on follow-up to the Second World Assembly on Ageing at the seventy-third session of the General Assembly in 2018, and the importance of securing budgetary resources for the Working Group.

I sincerely hope that the efforts of those Member States during the negotiation of the General Assembly resolution will have the support of the entire membership and that the necessary conference resources will be allocated to fully enable the Working Group to fulfil its mandate.

The Bureau will, during the intersessional period, prepare the provisional programme of work for the tenth session, which will include a general debate, a segment for discussing the normative input received with regard to the focus areas of the ninth session, two interactive discussions on the selected focus areas and the customary discussion on the way forward. The Bureau will also explore the possibility of reaching a concrete negotiated outcome reflecting the common points identified in the discussion of the focus areas, as examined from a normative point of view.

I would like to express my appreciation to the Secretariat for its constant support of the Working Group; the Focal Point on Ageing, Rosemary Lane; Alberto Padova, Amal Rafeh and Lisa Ainbinder, from the Department of Economic and Social Affairs; and Kellie Ognimba, Rio Hada and Marcos Acle from the Office of the United Nations High Commissioner for Human Rights. My gratitude goes also to the secretary of the Working Group, Henry Breed. Allow me also to express my deepest and most sincere gratitude to the former secretary of the Working Group, Svetlana Emelina-Sarte, for her excellent and outstanding work and for the unconditional support given to the Working Group and the Bureau during the past seven years.

I would also like to thank the Department of General Assembly and Conference Management for providing interpretation services support and all the conference officers and interpreters, who serviced the session of the Working Group so professionally.

I would like once more to express my appreciation to the distinguished panellists for their substantive contributions to the work of this session of the Working Group and to the representatives of the national human rights institutions, the United Nations system and civil society for their active participation and constructive engagement. We hope to continue to count on your valuable presence and contributions in future sessions to help the Working Group to fulfil its mandate, and we look forward to your enhanced participation in that regard.

Lastly, I wish to express my sincere gratitude and profound appreciation to the distinguished Vice-Chairs and Rapporteur of the Working Group, Alanoud Qassim M. A. Al-Temimi of Qatar, Lidija Dravec of Slovenia, Katharina Konzett-Stoffl of Austria and Lahya Itedhimbwa Shikongo of Namibia, without whose most valuable support and hard work and professionalism in conducting the work of the Bureau, this session would not have been possible.

VI. Provisional agenda for the tenth working session of the Open-ended Working Group on Ageing

39. At its 8th meeting, on 26 July, a statement was made by the Chair regarding the provisional agenda for the tenth working session of the Working Group.

VII. Adoption of the report

40. At its 8th meeting, the Working Group adopted the draft report on its ninth working session (A/AC.278/2018/L.1).